

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

APR 22 2016

CLERK, U.S. DISTRICT COURT

By _____
Deputy

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:16-MJ- **256**

XAIO CHEN LIN (01)

CRIMINAL COMPLAINT

I, Task Force Officer K. Gober, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

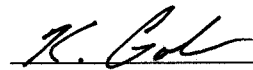
On or about April 22, 2016, in the Dallas Division of the Northern District of Texas, defendant **XAIO CHEN LIN**, who had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting interstate commerce a firearm, to wit: a Devildog Arms, model DD415B, 5.56 caliber rifle, bearing serial number B00410, in violation of 18 U.S.C. § 922(g)(1)

1. I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been employed with the Fort Worth Police Department for the past nine (9) years. I am currently assigned to the ATF Fort Worth Field Office. I have investigated violations of federal firearms throughout my career. I have participated in all of the normal methods of investigation, including, but not limited to, electronic and visual surveillance, general questioning of witnesses, the use of search warrants, the use of confidential informants, and the use of undercover agents.

2. I am familiar with the facts and circumstances of the investigation set forth below based on my participation in this investigation. Because this affidavit is submitted for the limited purpose of securing a criminal complaint, I have not included details of every aspect of the investigation. Instead, I have only listed those facts I believe necessary to establish probable cause to believe that the defendant committed the above-identified crimes. The statements set forth in this affidavit are true and correct to the best of my knowledge.
3. On April 22, 2016, ATF Agents executed a state search warrant at 9350 Skillman St #3409, Dallas TX, 75243, the residence of **Xiao Chen Lin**. **Lin** was the sole occupant of the residence and advised that he lived at the residence alone, except for when his 10 year old son stayed with him. During the course of the search warrant, Agents seized approximately fourteen (14) firearms, to include six (6) firearms which had been stolen from Weby Shop, a Federal Firearms Licensee, located in Arlington, Texas on April 7, 2016. One of the stolen firearms seized from **Lin** was a Devildog Arms, model DD415B, 5.56 caliber rifle, bearing serial number B00410, which was located in the master bedroom closet. The subject firearm was completely in the care, custody and control of **Lin**.
4. **Lin** was subsequently arrested and during a post-*Miranda* interview **Lin** admitted that he had care, custody and control of the Devildog Arms rifle and he had knowledge that the firearm had been stolen from a Federal Firearms Licensee.

5. On April 22, 2016, ATF Special Agent D. Kaase, an Interstate Nexus Expert, reviewed a description and photographs of the aforementioned Devildog Arms rifle and determined that the firearm was manufactured outside of the state of Texas and therefore, would have had to move in, and affect interstate commerce to reach the state of Texas.
6. ATF Special Agent M. Finney reviewed **Lin's** criminal history and determined that **Lin** has three prior felony convictions, including a conviction for Assault with Intent to Cause Serious Bodily Injury with a Weapon in New York. Additionally, records indicate that Lin was convicted of Arson and Felon in Possession of Firearms in Case No. 1:06-CR-109LG (Southern District of Mississippi), where he received a 97-month term of imprisonment on or about March 16, 2007. **Lin** is currently on federal Supervised Release out of the Northern District of Texas for this conviction.

5. Based upon the foregoing facts and information, I submit there is probable cause to believe that Xaio Chen Lin did knowingly violate Title 18, United States Code, § 922(g)(1).



K. Gober

Task Force Officer, ATF

Sworn to before me, and subscribed in my presence on April 22,
2016 at 3:37 p.m., at Fort Worth, Texas.



JEFFREY L. CURETON

United States Magistrate Judge